

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Haynes

February 22, 2005

An act to amend Section 3517.8 of the Government Code, relating to state employment relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as introduced, Haynes. State employment relations: expiration of MOUs.

Existing law provides that if a memorandum of understanding has expired, and the Governor and the recognized employee organization have not agreed to a new memorandum of understanding and have not reached an impasse in negotiations, the parties to the agreement are required to continue to give effect to the provisions of the expired memorandum of understanding, including, but not limited to, all provisions that supersede existing law, any arbitration provisions, any no strike provisions, any agreements regarding matters covered in the federal Fair Labor Standards Act of 1938, and any provisions covering fair share fee deduction. Existing law also authorizes the state employer to implement any or all of its last, best, and final offer if the Governor and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding.

This bill, with respect to giving effect to the provisions of the expired memorandum of understanding, would prohibit any expenditures under the provisions of the expired memorandum of understanding from exceeding the amount provided in the previous fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3517.8 of the Government Code is amended to read:

3517.8. (a) If a memorandum of understanding has expired, and the Governor and the recognized employee organization have not agreed to a new memorandum of understanding and have not reached an impasse in negotiations, subject to subdivision (b), the parties to the agreement shall continue to give effect to the provisions of the expired memorandum of understanding, including, but not limited to, all provisions that supersede existing law, any arbitration provisions, any no strike provisions, any agreements regarding matters covered in the Fair Labor Standards Act of 1938 (Chapter 8 (commencing with Section 201) of Title 29 of the United States Code), and any provisions covering fair share fee deduction consistent with Section 3515.7, *except that any expenditures under the provisions of an expired memorandum of understanding shall not exceed the amount provided in the previous fiscal year.*

(b) If the Governor and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding, the state employer may implement any or all of its last, best, and final offer. Any proposal in the state employer's last, best, and final offer that, if implemented, would conflict with existing statutes or require the expenditure of funds shall be presented to the Legislature for approval and, if approved, shall be controlling without further legislative action, notwithstanding Sections 3517.5, 3517.6, and ~~3517.7~~. 3517.7. Implementation of the last, best, and final offer does not relieve the parties of the obligation to bargain in good faith and reach an agreement on a memorandum of understanding if any circumstances change, and does not waive any rights that the recognized employee organization has under this chapter.